PERISHINHOTELFIRE

12 KNOWN DEAD AND MANY MISS-ING AT PORT WAYNE.

Fire in the New Avelina Hotel Discovered at 3 O'Clock in the Morning Rushing Up Elevator Shaft, and Many Guests Are Burned to Death.

At least twelve persons lost their lives in a fire that destroyed the New Avelina hotel at Fort Wayne, Ind., early Sunday.

The entire interior of the building His a smouldering heap of ruins and how many dead are concealed by the debris can only be conjectured.

. The hotel register was consumed by the fire and there are no accurate means of determining who is missing.

The known dead are: R S. Johnson, Pana, Ill., M. Hidrsch, New York; J. B. Miller, Sheboygan, Wis.; J. E. Ellis, Carson, Pierie, Scott & Co., Chicago; W. A. Pitcher, Fort Wayne. salesman for S. F. Boyser & Co., Fort Wayne; J. W. Deviney, salesman for Crawford & Lehman, Philadelphia. three unidentified men.

The complete destruction of the in terior of the hotel makes the work of recovering the bodies a difficult task. A confused head of charred wood and Brick and twisted girders is piled up between the bare walls to the second

Piece by piece this must be removed before the roll of the dead can be scompleted. Some of the bodies taken out are mangled and charred beyond recognition.

Infantry Company D and Batter B. of the National Guard, are on duty and aiding the fire and police forces to clear away the debris.

The fire was discovered at 3:20 ★o'clock Sunday morning in the elevator shaft by Night Clerk Ralph Hopkins. He rushed to the upper floors, alarm-Ing the guests until the flames, which thad spread with appalling rapidity, drove him back. His efforts, however, saved many lives.

BOAT SINKS AT WHARF.

Child Lost from Mother's Arms in an Accident Near Washington.

The steamer Trenton, owned by the Potomac Navigation company, capsized and sank Sunday while at her wharf at Alexandria, Va., carrying down with it Stanley D. Posey, the 18month-old son of Murray Posey, a lawyer of Brooklyn, N. Y. About a dozen passengers who jumped overbaord were rescued. It is claimed that the accident was due to the shifting of the cago. The vessel plied between Washington and Potomac river points. The Posey family, consisting of father, mother and two sons, was on its way to Posey's wharf when the accident oc. curred.

Mrs. Posey jumped overboard with her little son in her arms and was holding him out toward and approaching party of rescuers when he slipped from her grasp and sank.

KILLS GIRL WHO JILTED HIM

Young Polander Had Just Arrived from Europe for Wedding.

Enraged because his long journey across the sea had ended in the refusal of his proposal of marriage William Sekansky, a young Polander, shot and killed Annie Kockonwa, a 20-year-old Polish girl, in the hallway of a boarding house in Williamsburg, N. Y., Sunday night, and before he was overpowered by the police, shot Michael Kirsani, who sought to intercept his flight. Kirsani died in a hosupital,

An enraged crowd that gave chase to Sekansky made threats of lynching when he was captured, but the officers hurried their man to the police station.

Eight Killed in Explosion.

The finding of another body in the ruins of the Chicago Reduction company's plant at Thirty-ninth and Iron street, Chicago, which was wrecked by an explosion and fire last Friday night, makes the list of known dead number eight.

Francis Joseph in Good Health.

The disquieting rumors that were rurrent on the Berlin bourse Saturday regarding the health of Emperor Francis Joseph were without foundation. The health of his majesty is in all respects satisfactory.

Mr. Cleveland's Condition.

That former President Grover Cleveland is not so seriously ill as pubdished reports during the past week have declared him to be was the asisurance given to a representative of the Associated Press Sunday.

Fire Destroyed Philippine Town.

The town of Antipolo, in the province of Morong, has been practically destroyed by fire. Four hundred houses were burned and hundreds of people are homeless. The famous shrine was saved. The fire was caused by lightning.

Sloux City Live Stock Market. Saturday's quotations on the Sioux City like stock market follow: Beeves, denly Friday. Death is believed to the prince will go direct to the French \$6.00@ 6.90. Top hogs, \$5.40.

DOG AIDS MAN TO END LIFE.

After making two attempts, early in the canal at Steelton, Pa.

early in the morning, accompanied by of money as yet unknown. to commit suicide.

the canal again and jumped in. Another attempt to reach the man was made by the two men, but the dog atthe neck. Once more Turpin wasgrespoliceman. Before he arrived, howhis faithful dog, got away from his rescuers and made a third and successful attempt to end his life.

CABRERA AS TYRANT.

Public Inflamed Against Dictator of Guatemala.

It is reported that Honduras is concenrating her forces on the Guatemalan frontiers. Passengers who have arrived at Panama recently from and two men on the platform outside. Guatemala say that a revolution was being planned against the Honduran government by Gen. Domingo Vasquez, ex-president of Honduras, who is supposed to have the support of Guatemala. This they say was the reason why Senor Bustillos, finance minister of Honduras, was sent on a special confidential mission to President Cabrera, of Guatemala, and why Cabrera. instead of treating with Bustillos, practically imprisoned him in Guatemala City.

After the latest war with Nicaragua, Honduras was left entirely disarmed, and should the reports of the Honduran military movements prove true, it will be accepted as evidence that Nicaraguans and Salvadorans have furnished her with munitions of

The situation in Guatemala is reported to be exceedingly critical. The passengers say that among the persons reported to have been executed there were Mrs. Castanedo and Mrs. Blanco, and Messrs, Hererra, Trigueras, Edwardo Rubio and Antonio Rubio, all of whom belonged to wealthy Central American families.

TROOPS SEIZE CONSUL.

Honduran Representative a Prisoner in Guatemala. ...

It is rumored in Mexico City that troops, entered the Uruguayan consul general's residence and seized the Honduran consul, Gen. Mindenze, and his son who had taken refuge there. The Uruguayan consul general was absent from home when the house was surrounded by troops and the seizure made. As soon as he heard of the affair he fled to the American legation, where he asked for protection, and is now a refuge in the legation of the United States.

The capitol of Guatemala is de scribed as being the center of turbulent scenes.

Suspend Senior Class.

Chancellor Day, of Syracuse, N. Y. university, informed the committee which reported resolutions adopted by the senior class in the engineering department criticising the executive committee of the trustees for the removal of Dean Kent that its members were suspended until the class retracted the resolutions.

Doctor's Slayer Gets Ten Years.

Robert W. Gott, of Cincinnati, O., pleaded guilty to the murder of Dr. Leo Danziger, a physician, and was sentenced to ten years in the penitentiary. Gott killed Dr. Danziger three months ago during the doctor's visit to Anna Spangler, the 16-year-old niece of Gott.

Student's Auto Kills Girl.

Sophie Suderman, 8 years old, was run over and fatally injured at New Haven, Conn., Friday by an automobile owned by Huntington Smith, a Yale student, whose home is in St.

For Income Tax in Oklahoma.

The Oklahoma house Friday passed the Anthony income tax bill providing for a graduated tax on all incomes over \$2,000.

April Trade Was Good.

Dispatches to Dun's Review indirate little change in the general situation, the total volume of trade during April comparing most favorably with the same month last year.

L. P. Farmer Suddenly Expires.

L. P. Farmer, of New York, chairman of the Trunk Lineassociation, and | can arrived at Rome Thursday from a prominent railroad man, died sudhave resulted from apoplexy.

BANDITS RAID FAST TRAIN.

Animal Makes Vicious Attack on Res- Loot Express Car on Pennsylvania

Flyer. Two train robbers, who evidently Friday morning, to commit suicide, al- boarded the New York and St. Louis M. RICE, - - - Publisher. though a vicious bulldog used its best express on the Pan Handle railroad of endeavors to prevent the rescuers from the Pennsylvania system at the Union pulling the wouldbe suicide from the station in Pittsburg, Pa., which left water, Henry P. Turpin, aged 32, com- at 10:05 o'clock Thursday night, tea mitted suicide by drowning himself | minutes later, overpowered the express messenger and got away with four Turpin spent the night drinking and, bags of currency containing an amount

> his bull terrier, went to the canal and | The robbery was committed near plunged headlong into the stream. Ed- | Walker's station, a particularly lonely ward McCord and Frank Magnellia and islotade spot in a rough section saw Turpin in the water and made an of country, about eleven miles west of attempt to reach him, but the dog Pittsburg. The train, one of the fastsprang at them, biting a piece of flesh est on the road, which is not schedfrom the wrist of Magnellia. The dog | uled to stop between Pittsburg and was thrown aside and held by another | Steubenville, O., was brought to a sudman, who appeared on the scene, while | den halt by an emergency signal from McCord and Magnellia swam to the the bell cord, and when Conductor side of Turpin and dragged him William Lafferty went forward to ashore. Turpin appeared very angry | learn the trouble, he found Adams Exbecause the men would not permit him | press Messenger N. Rochen bound and gagged in the express car and so Shortly afterwards he returned to frightened that he could not give any connected report of what happened.

> Except that both the robbers were white, the express messenger is unable tacked each one and bit McCord on to give any identification that would aid the secret service forces of the cued, and the men telephoned for a Pan Handle and Pennsylvania railroad companies and the city and counever, Turpin, with the assistance of ty detective forces, all of whom have been called out to work on the case.

> > The express safe was open, according to information received here, as the messenger was making up bills for packages received from the local offices, and the robbery was accomplished in a very few minutes.

Persons standing on the station platform at Carnegie, a short distance from the place where the robbers left the train, report having seen the express messenger at work in his car

It is reported that four bags, sealed and containing money, were taken, but nothing is known as to the amount of money contained in either of the bags.

SLAIN BY SYRIAN ON TRAIN.

American Banker Victom of Unprovoked Attack.

On board the steamer Konig Albert, which arrived in New York Thursday, was the body of Bernard Warkentin, president of the Kansas State bank. of Newton, Kan., who was shot and killed near Damascus early in April while riding on a railroad train. Mrs. Warkentin and her son accompanied

The cable dispatches announcing the shooting said that it was done by a Syrian, who occupied the compartment on the train adjoining that in which Mr. Warkentin was seated. The Syrian said he was examning the revolver and it went off by accident. Ambassador Leishman from Constantinople reported the shooting to the state department at Washington. He said assurance had been given him that the Syrian would be brought to justice if the case proved to be one of murder. Carl Warkentin said that the man who killed his father was a Turkish prince and that Ambassador Leishman told his mother that it would be impossible to prosecute him and advised her to say no more about Juan Barrios, Guatemalan minister of the matter. From his remarks it was roign affairs, at the head of a body of I apparent that Mrs. Warkentin believed Mr. Leishman had not done all he could, and he intimated that charges would be lodged against the ambassador.

DISASTER TO JAP CRUISER.

Training Ship Sunk by an Explosion of Projectile.

The Japanese training cruiser Matsushima was sunk off the Pescadores islands Thursday morning by the explosion of a projectile. Other cruisers rescued 141 of the crew. It is feared over 200, including the captain of the Matsushima, have been lost.

The Matsushima sank immediately. The cause of the explosion, which occurred in the stock magazine, is not

A majority of the officers were saved. The sons of Baron Chinda, vice minister of the foreign office, and of Prince Oyama, field marshal, were among the cadets who it is feared are

Inherits Home from a Dog.

Through a court decision Alderman G. D. Beattie, of Helena, Mont., named as co-heir with a pet dog in the will of Mrs. Mary A. Pryse, becomes the sole heir of the pet dog, and thereby inherits a valuable residence. The dog died shortly after the death of Mrs. Pryse.

70 Cent Echo of Civil War. Mrs. H. M. Rutger, of Belvidere, Ill., widow of Lieut. Rutger, of the Twelfth Illinois was notified by the government that 70 cents was due her on the pay of her husband, who died in 1878.

to her recently. Germany Needs Millions. That the German imperial government must borrow \$250,000,000 during the next five years was the substance of an admission made by Secretary of the Treasury Sydow to the appropria-

and a draft for the amount was sent

Upsets Lamp; Dies of Burns.

tions committee of the reichstag

Thursday.

Mrs. Elizabeth Petry, of Upper Sandusky, O., arose early Thursday morning and knocked over a lamp, which exploded. She died of burns in fifteen minutes.

Anna Gould and Prince in Rome.

Mme, Gould and Prince Helle de Sa-Naples. From Rome Mme, Gould and

From Day to Day Condensed FOR CUR EUSY READERS

POISON IN BOX OF CANDY.

for Mrs. Colfass.

Dr. Jennie Colfass, physician for the Woodman Circle, Hes sick at her village jail at Walthill on the charge home at Twenty-eighth and Pacific of bootlegging, departed some time streets, Omaha, from the effects of poi- Tuesday night without the permission soning last Friday. The poison was of the village authorities, taking nothfound to be corrosive sublimate.

expected nothing and when she removed her wraps ate a couple of of candy was taken to a chemist and brought with him: it was found that it all contained poi-

Inquiry at the headquarters of the Woodman Circle revealed nothing extective department to say nothing. Mrs. Emma B. Manchester, head of the Woodman Circle, would say nothing. Inquiry of Mrs. Celfass' bashand. who is also a physician in the office of Dr. Gifford, failed to elicit any infortive orders from the detective department to say nothing of the case

Capt. Savage, chief of the detectives. says he is not at liberty just now to make a statement. Detectives Heitfeld and Deverees are working on the case and will have a statement ready to submit to their chief soon. The case is regarded by the officers as quite remarkable, though no blance thus far

has been attached to any individual. Since Mrs. Colfass' election as physician of the Woodman Circle nearly a year ago, some friction has arisen. and as the new election approaches that friction is said not to die down,

BRAKEMAN LOSES A FOOT.

The Accident Occurred While Switching at Charleston.

B. Reimer, a Northwestern freight while switching at Charleston. Mr. Reimer was standing on the ladder on the side of a moving freight car. standing on the lower step, when either through lack of strength or sudden bump or jar of the train he fell across the track, managing to keep his body ! from the center of the track and the detached from the train and a quick run was made, taking him to the York hospital, where his foot was amhis home is at Fremont.

INJURED BY AN AUTOMOBILE.

Dr. W. L. Curtis Badly Injured by Be-

ing Thrown from Car. One of the worst automobile accidents that has occurred in that part of the state happened when Dr. W. L. Curtis, of Cook, was making a call seven miles southeast of there. The corburettor had not been working right and occasionally the engine would get an extra charge of gasoline, which would shoot the machine ahead with a jerk. This happened where there was a deep rut running obliquely in the road and when the front wheel struck this place it threw the doctor out, the machine on top. He was brought to his home, when it was found he had suffered a fracture of the hip and was also badly bruised.

Election Contest at Louisville.

Frank DeRuy has brought suit in county court against Mart L. Williams and John Waldron, asking Judge Beeson to determine which of the three was elected trustee of the village of Louisville, as the canvassing board declared there was no election, as each one of the three candidates received 95 votes, excepting Charles Pankonin. who received 99 votes, and is for licensing saloons. Williams and Waldron, for licensing saloons, demanded that the canvassing board determine by lot which two of the three receiving the same number of votes should be declared elacted, but the board refused to do so. If the court declares the plaintiff elected Louisville will not have saloons another year, but if the other two are elected the village will go "wet."

Workman Killed by Fall. E. L. Barritt, aged 67, fell off a ladder at the Rome Miller eating house at Norfolk and sustained a fracture at the base of the brain, from which he died two hours later. He was trying to put on a screen window.

Greeley Banker Dead.

Report comes from Elba, fifteen niles southwest of Greeley, that Emmet Love, an old resident and former banker of Greeley, died from a stroke of paralysis.

Heavy Frost at Greeley. Early garden stuff and fruit has

been killed by the sereve cold weaththat the late apples will not be injured.

Charged with Exceeding Allowance. The case at Gage county against W. W. Wright, of Beatrice, former county treasurer, who is charged with exceeding the amount allowed by the

amount of damage to the fruit

courty board for clerk hire, was argued and taken under advisement by Judge Pemberton, who ordered the attorneys for the county to file a brief. of the sale of intexicants to her hus-Auburn Not Hart Much. Auburn was visited by quite a heavy frost during the cold spell. but it is not generally thought it did any great

"3...OHLIGGER" GETS AWAY.

INTEREST NO HAPPENINGS

Corresive Sublimate Left in Package | Escapes from Jail at Walthill in Mysterious Manner.

ing except the padlock, and without The story told first by Mrs. Colfass as much as marring the rough woodwas that she found a box of candy on | work of the doorway. Jones appearher front porch, addressed to her, She ed in Walthill last Saturday, halling from Lyons, and with him came considerable booze. He stated that he pieces of the candy. In a short time chose the day on account of the ball she was taken sick and took an emet- game which was scheduled to be ic. A physician was called and it was played, knowing that there would be found that she had taken poison in an unusually large crowd to partake the candy. The remainder of the box of the stimulants which he had

During the afternoon and evening he dispensed considerable of the goods. About 7 o'clock he, with his driver, was caught and placed in Jail. Later cept that orders were given by the de- in the evening several of his customers were given berths near him. Monday thorning he was arraighed in Justice Wood's court and fined. He made arrangements with some parties to pay the fine, after which he was to leave the state. However, it is supposed he mation. The doctor said by had post- decided to leave first and have the fine raid later.

The peculiar part of the matter is the fact that there is not as much as r scratch on the rusty staple that held he iron hasp of the door through which the padlock was linked. It is understood that the officers have a dew us to the may he escaped. The stolen parlicek and the faid that there was nothing broken about the jail would seem to indicate that there musi have been a key.

ATTACES TWO YOUNG GIRLS. Nebraskan Attempts Murder of Wife's

Sisters.

After feloning insensibility and submitting to a terrible beating Ida Taylor, of Minden, 13 years of age, Tuesday night saved her unconscious sister from death in their burning home. lda and Pearl, aged 17, were brutally assaulted and left for dead. The counbrakeman, is York hospital having one ty attorney and a large posse are in foot amputated, caused by an accident pursuit of Bert Taylor, the brother-

of the crime. According to the story of Ida Taylor, Bert Taylor demanded admittance at midnight. He flourished a revolver, dragged Pearl into the kitchen and clubbed her into unconsciousness. Next he attacked Ida and beat her. car passed over his right ankle and she pretended to faint. He then broke big toe. The engine was immediately a lamp and poured the oil about the house and on the bedding. After setting the house aftre he fied. Ida then managed to drag her sister away. putated. He is a married man and Pearl Taylor may die. Ida told ber dary to the county attorney Tuesday morning. She is painfully burned,

The two girls lived in a little nease year Mindea and attended school. At he end of each week they would go to spend Sunday at the home of their parents. Taylor's wife died several months ago and an infant was being cared for by the parents of the girls he is accused of assaulting.

VICTIMS OF PTOMAINE POISON.

Six Persons Made III by Ecating Dried Beef.

Six persons of Norfolk were stricken Priday night with ptomaine poisoning is the result of eating dried beef. Sevral of the cases were serious, and it was feared they might result fatally. All are out of danger now. The victims were Mr. and Mrs. H. H. Miller, Miss Alvina Miller and Miss Anna Miller. The beef was bought at Norfolk and was put up by a south Omaha packing firm. Samples were sent to the state chemist at Lincoln.

Banker's Son Attempts Suicide, Haunted by a love affair with the laughter of a prominent citizen of his home, Geneva, George W. Epley, a graduate of the University of Nebraska, and at one time a leader of Geneva society, attempted suicide shortly af ter midnight Sunday morning by hurling himself through a large glass window at the rear of the second floor of a rooming house at 1621 Larimer street, Denver, Colo.

Boy Shoots Disturber.

At about 10 o'clock Saturday night Edward Cohota, of Valentine, a 17year-old boy, heard someone rapping in the window of his rooms beside the Cohota restaurant. The rapping continued and Edward shot through the wnidow, the bullet hitting the man in the hips. His name was Sam Bordeaut, a drunken half-breed Indian. The wound was not fatal.

Break Into Store.

Burglars secured an entrance to the city dry goods and gents furnishing store of P. M. Green at Central City Tuesday night, but were scared away by the timely arrival of officers and left behind two suit cases which they had packed with fancy neckwear, cuff buttons and other small articles of men's wearing apparel.

Homer Votes School Bonds.

A proposition to issue bonds to the amount of 10 per cent of the assessed valuation for the purpose of erecting a new school building was carried at er. Reports come in from the farmers | Homer Tuesday by a large majority. It is expected about \$10,000 will be realized.

Woman Saes Saloonkeeper.

Mrs. Annie Goltry, of Wymore, has brought suit in the district court against James P. McCarthy for \$7,000 damages, which she alleges has been done herself and family as the result hand. The plaintiff states that her husband was at one time a prosperous former and that the money derived ! from the sale of his farm is shown to have been manually d at McCarhty's

While the special commission that listened to evidence in the disbarment procedings brought by the attorney general against Capt. Allen G. Fisher, of Chadron, finds the captain guilty of Charlie Jones, who was held in the lilegal conduct, a recommendation is contained in the report filed with the supreme court asking for leniency. The commission says the actual injury suffered through the acts of the captain should be taken into consideration in fixing the penalty. The report of the commission says that as attorney for the heirs of Herman Goedde, who died leaving land in Sioux county, the captain unlawfully and illegally wrotea decree fixing the value of the land at \$9,000 when he knew it was worth only \$1,500, and that the captain was to get \$7,000 out of the \$8,000 as a fee. The commission finds a claim for \$8,-000 for this land was filed with the state for the foreign heirs by Capt. Fisher. In view of the fact that the claim was not allowed and no money changed hands, consequently that litthe injury has been done, the commission recommends clemency. The captain will be given an opportunity to file exceptions in legal manner.

> Lincoln society circles are stirred from center to circumference by the news of the coming of Senator Saumders, of Omaha, who during the absence of Gov. Shelden and Lieut. Gov. Hopewell, will be acting governor. The Omaha man is the first untamed governor Nebraska ever had, to the knowledge of the eligibles. The executive mansion has been turned over o the bachelor executive and the minds of many are working out plans for his entertainment. Last winter, when merely a senator, the Omahaman took quite a whirl in society and he is expected during the next ten or fifteen days to set a pace for all future executives in the secrety line. Incidentally, those who know say, if the senator gets away from here heart free he may just as well be given are immunity card and passed up as un-

> "Newspaper advertising for the purpose of drawing new settlers is a compmon thing newadays, on the part of certain states in the west and south," Labor Commissioner Ryder Some of the advertisements are box tuff, too, picturing only pieces of paradise that have somehow dropped off and floated to earth. But somedimes: they do not jibe in the least with nattral happenings. For instance, in to Sunday newspaper. I not; led a glowing advertisement inviting settlers to-Mississippi, 'the land of sunshine. where there are no fuel bills, no floods, and no storms.' Almost adjoining, in another column, was an account of a torm in Mississippi, in which 143 ere killed and 1,050 injured. Which s merely one of the inclients that lead me to say Nebraska is good enough for any white man."

Attorney General Thompson huswon a victory in the suit against the Nebraska Retail Lumber Dealers' association in the supreme court, which he sought to enjoin from restricting trade and free competition. Bird' Critchfield, secretary of the association, is enjoined from continuing practicesin restraint of trade and the officers of the association are held chargeablewith knowledge of such acts and they also are enjoined from permitting the secretary or any officer from performing unlawful acts in violation of the statutes prohibiting combinations in restraint of trade. While the association as a body is not dissolved, several individual members are enjoined, while in some instances the report of

A letter has been received at the executive office, addressed to Gov. Sheldon and signed by two men who style themselves "farm hands." They want help from the governor. They set out that they want him to enact a law providing that no farmer be permitted to use other than riding machiners, such as plows, rakes, and harrows. Because of the fact some farmers continue to use the old-fashioned kind of implements, the letter says, many farm hands have sore feet and life to them is somewhat of a burden. The letter asks the governor to let the writers know what the prospects are for this kind of legislation.

the referee is upheld.

The Daily News Publishing company, of Omaha, has filed its brief inthe supreme court in the appeal casefrom Omaha, wherein Tom Dennison secured a verdict for \$7,500 against the News for publishing a defamatory article about him. The brief contends the verdict of the jury was excessive. and that it was not based upon theevidence in the case, but was secured through passion and the skillful handling of the case by Dennison's attor-

. . . The supreme court explained to the express companies recently that when it ruled the Sibley law reducing charges was in force it meant that the shippers must secure a reduction of 25 percent in amount of money paid for transportation of goods and that noreference whatever was meant tochange in weight of packages. The court holds that until the merits of the Sibley law can be tested by a careful taking of testimony the rates shall be actually lowered in the state.

* * *

Gov. Sheldon has received a warrant from Washington for \$5,228.81. money due officers of the Third Nebraska who served in the Spanish-American war. The governor was informed the names of the officers, together with the amount due each, would be sent later. Until that information is received the distribution of the money cannot be made. It has been reported Col. Bryan will receive 243 and Gov. Sheldon, who was a captain, \$185, and Adjt. Gen. Schwarz. another captain, a like amount, denumbers upon the time sarved.